658' N of Holly Neck Road (90) Baltimore Yacht Club Road) 15th Election District

Petitioner

IN RE: PETITION FOR ZONING VARIANCE E/S Baltimore Yacht Club Road, * DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY

> 5th Councilmanic District * Case No. 92-300-A Daniel Homberg

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the legal owner of the subject property, Daniel Homberg, by and through his attorney, G. Scott Barhight, Esquire, in which the Petitioner requests relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 25 feet in lieu of the required 50 feet for the existing onestory dwelling on Lot 1, and side yard setbacks of 25 feet and 28 feet for a proposed one-story dwelling on Lot 2, all in lieu of the required 50 feet for each, as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Daniel Homberg, property owner, John A. Etzel, Registered Land Surveyor, and Herbert and Sue Johnson. There were no Protestants.

Testimony indicated that the subject property, known as 901 Baltimore Yacht Club Road, consists of 3.64 acres, more or less, zoned R.C. 5. and is improved with two, one-story dwellings. Said property is located within the Chesapeake Bay Critical Areas on Middle River. Testimony indicated that the Petitioner is desirous of subdividing the subject property into two separate lots, each containing one of the existing dwelling units. In addition, the Petitioner proposes to rebuild the dwelling on proposed Lot 2 in accordance with that depicted on Petitioner's Exhibit 1. Testimony indicated that Gerhold, Cross and Etzel, Registered Professional Land Surveyors, were consulted to perform the subdivision of this property. John Etzel located the line of subdivision between the two existing single family dwellings approximately down the center of the subject property. By virtue of this line of subdivision, the need for the requested variances was created. The B.C.Z.R. require a side yard setback of 50 feet for each single family dwelling. However, there simply is not enough property between the two houses in order to meet setback requirements. Furthermore, the Petitioner's property is a waterfront property located on the Middle River, just off of Holly Neck Road. Therefore, any development of the property is subject to Chesapeake Bay Critical Areas legislation.

The proposed subdivision was closely scrutinized by the Department of Environmental Protection and Resource Management (DEPRM) as to its compliance with the goals of the Chesapeake Bay Critical Areas program. In furtherance of requests made by DEPRM, it became necessary for the Petitioner to relocate the new dwelling on proposed Lot 2 further away from the tidal wetlands located on the east side of the subject property. As a result, the subject dwelling is now closer to the property line, or the line of subdivision, and a greater variance is needed than originally requested in this Petition.

Therefore, it became necessary for the Petitioner to amend the Petition for Zoning Variance to permit a side yard setback of 3 feet in lieu of the required 50 feet for the new dwelling on proposed Lot 2. The requested variance for Lot 1 remains the same. It should be noted that the amended Petition was as a result of the Petitioner's efforts to comply with DEPRM requests. The Petitioner submitted a revised site plan, marked

- 2-

Revised Petitioner's Exhibit 1, which clearly demonstrates the amended Petition and satisfies the concerns and requirements of DEPRM.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of

- 3-

the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

> 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands:

2) Conserve fish, wildlife, and plant habitat; and

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of August, 1992 that the Petition for Zoning Variance requesting relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 25

feet in lieu of the required 50 feet for the existing one-story dwelling on Lot 1, and a side yard setback of 3 feet in lieu of the required 50 feet for a proposed one-story dwelling on Lot 2, in accordance with Revised Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Compliance with the Chesapeake Bay Critical Areas Findings Plan, approved by DEPRM, dated March 25, 1992, latest revisions made July 23, 1992.

UT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated July 28, 1992, attached hereto and made a part hereof

Deputy Zoning Commissioner

restrictions:

for Baltimore County

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

August 17, 1992

G. Scott Barhight, Esquire Whitefore, Taylor & Preston 210 W. Pennsylvania Avenue, Suite 500 Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE E/S Baltimore Yacht Club Road, 658' N of the c/l of Holly Neck Road (901 Baltimore Yacht Club Road) 15th Election District - 5th Councilmanic District Daniel Homberg - Petitioner Case No. 92-300-A

Dear Mr. Barhight:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

> Deputy Zoning Commissioner for Baltimore County

cc: Chesapeake Bay Critical Areas Commission 45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM

People's Counsel

Contract Purchaser/Lessee:

Petition for Variance

to the Zoning Commissioner of Baltimore County 92-300-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A04 3. B. 3 to permit side yard setbacks of 25', 25' and 28' in lieu of the required 50'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Property owner desires to transfer second existing home to his sister, Ms. Neubauer. Ms. Neubauer would like to remodel the existing home. The existing location of the respective home and the physical location of the property necessitates the requested variances.

Legal Owner(s):

under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

> available for Hearing MON./TUES./WED. - WEXT TWO MONTHS

> > DATE 2 4 42

ALL ____OTHER _

dropped off by lawyer

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon tiling of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm

| (Type or Print Name) | _Daniel_Homberg |
|--|--|
| Signature | Signature |
| Address | (Type or Print Name) |
| City and State | Signature |
| Attorney for Petitioner: | |
| Scott Barbight | 901 Baltimore Yacht Club Road Address Phone No. |
| Signature | Baltimore, Maryland 21-22-1 City and State |
| Whiteford, Taylor & Preston | Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted |
| 210 W. Pennsylvania AveTowsonMD21-204 City and State | G. Scott Barhight Preston |
| Attorney's Telephone No.:832=2050_ | 500 Court Towers, 210 Pennsylvania |

PHILIP K. CROSS JOHN F. ETZEL WILLIAM G. ULRICH GORDON T. LANGDON DAVID E. RANSONE

GERHOLD, CROSS & ETZEL Registered Professional Land Surveyors 412 DELAWARE AVENUE TOWSON, MARYLAND 21204 823-4470

PAUL G. DOLLENBERG FRED H. DOLLENBERG CARL L. GERHOLD

January 9, 1992

ZONING DESCRIPTION

All that parcel of land being situate and lying in the Fifteenth Election District of Baltimore County, Maryland.

Beginning for the same at a point in the right of way of Baltimore Yacht Club Road, said point being distant Northeasterly 658 feet more or less, measured along said Baltimore Yacht Club Road from the point of intersection of Holly Neck Road and said Baltimore Yacht Club Road, running thence for the property lines of the Petitioner herein, the two following courses and distances, viz: North 20 degrees 03 minutes 29 seconds East 275.44 feet, and North 01 degrees 39 minutes 29 seconds East 225.00 feet to the waters of Middle River, thence binding on the waters of Middle River, the three following courses and distances viz: South 75 degrees 50 minutes 31 seconds East 152.00 feet, South 62 degrees 51 minutes 53 seconds East 75.13 feet and South 76 degrees 28 minutes 31 seconds East 99.43 feet, thence leaving said waters and continuing for the property lines of the Petitioner herein, the three following courses and distances, viz: South 08 degrees 49 minutes 31 seconds East 222.70 feet, South 06 degrees 12 minutes 44 seconds West 169.87 feet, and West 427.67 feet to the place of beginning.

Containing 3.64 Acres of land more or less.

Being the land of the Petitioner herein and shown on a plan filed with the Zoning Department of Baltimore County.

- 5-

DAMAG DEPARTMENT OF BALTIMORE COUNTY

| strict | rolanic- | Date of Posting 2/19/42 |
|---------------------|--------------------|---------------------------------------|
| in De | offer Hory bong | |
| ecation of property | F/S Bolle Yaski | + Club Rd., Got N/ Holly Nock-Rd. |
| . 7 | 6 V / - 1 / 1 / 01 | · · · · · · · · · · · · · · · · · · · |
| ocation of Signs: | Facing Bull | yeart club Rd. of 901 |
| Ball You | at Club Rit | |
| emarks: | | |

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of_ weeks, the first publication appearing on

THE JEFFERSONIAN,

2/25/92

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md. once in each of ___successive weeks, the first publication appearing

> NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

> > もつから

tqieeen Zoning Commisioner County Office Building 111 West Chesapeake Avenue

ITEM 316 REVISED PLANS - #100 LEGAL OWNER: Daniel Homberg 901 Baltimore Yacht Club Road

Baltimore County Government Office of Zoning Administration and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeate Avenue in Towon, Maryland 21204

Case Number: 92-300-A
E/S Baltimore Yacht Club
Road, 656' N of Holly Neck
Road
901 Baltimore Yacht Club
Road
15th Election District
5th Councilmanic
Petitioner(a):
Deniel Homberg
Hearing Date: Friday,
March 20, 1992 at 2:00
p.m.

Variance: to permit side yard setbecks of 25 feet, 25 feet and 28 feet in lieu of the required 50

(410) 887-3353

DATE: 2.28.92

Daniel Homberg 901 Baltimore Yacht Club Road Baltimore, Maryland 21221

CASE NUMBER: 92-300-A E/S Baltimore Yacht Club Road, 658' N of Holly Neck Road 901 Baltimore Yacht Club Road 15th Election District - 5th Councilmanic Petitioner(s): Daniel Homberg

Dear Petitioner(s):

Please be advised that \$ 100.01 is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID AND THE ZOWING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

cc: G. Scott Barbight, Esq.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

(410) 887-3353

111 West Chesapeake Avenue

Towson, MD 21204

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-300-A E/S Baltimore Yacht Club Road, 658' N of Holly Neck Road 901 Baltimore Yacht Club Road 15th Election District - 5th Councilmanic Petitioner(s): Daniel Homberg HEARING: FRIDAY, MARCH 20, 1992 at 2:00 p.m.

Variance to permit side yard setbacks of 25 feet, 25 feet and 28 feet in lieu of the required 50 feet.

Baltimore County

Please Make CHREATHAIR AND BARTES County \$35.00 BA C011:02AM02-26-92

> Baltimore County Government office of Zoning Administration and Development Management Office of Planning & Zoning 111 West Chesapeake Avenue Towson, MD 2120+

Zoning Commisioner
County Office Building
111 West Chosepeake Avenue
Tewson, Maryland 21204

ITEM 316

100 -REVISIONS (IRL)

REVISED PUBLIC HEARING FET

LAST NAME OF OWNER: HOMBERS,

2726,90

March 9, 1992

(410) 887-3353

sqipeen

科学200473

#35.0G

Please Make Checks Payable To: Baltimore County

G. Scott Barhight, Esquire Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue Towson, MD 21204

RE: Item No. 316, Case No. 92-300-A Petitioner: Daniel Homberg Petition for Variance

Dear Mr. Barhight:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

PURITY HEARING CERT

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1949 SAMING VORSING COLOR - (4)15月: - 多例行のの TAST NAME OF DENDINGS SUPPLY OF

Please Make Chicks Paysing 48 Individue County \$35.00 BA CO11:30AM02-04-92

Baltimore County
Zoning Commission Zoning Commisiener County Office Puilding 111 West Chesaps ake Avenue

Tacalos

Account: R 001-6150 Nomber

Please Make Checks Payable To: Baltimore County

Cashler Validation

Zoning Plans Advisory Committe Coments Date: March 9, 1992 Page 2

> 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

> Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

> > Very truly yours,

WCR:jw

Enclosures

cc: Mr. Daniel Homberg 901 Baltimore Yacht Club Road Baltimore, MD 21221

Printed on Recycled Paper

Arnold Jablon, Director DATE: March 4, 1992 Zoning Administration and Development Management

Gary L Kerns, Chief Comprehensive and Community Planning Office of Planning and Zoning

SUBJECT: Homberg Property, Item No. 316

In reference to the applicant's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

GLK/JL:rdn NOCOMTS/TXTROZ

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120 i

(410) 887-3353

Your petition has been received and accepted for filing this

Received By:

Petitioner: Daniel Homberg Petitioner's Attorney: G. Scott Barhight

4th day of February, 1992.

Printed on Recycled Paper

BALTIMORE COUNTY ECONOMIC DEVELOPMENT COMMISSION Memorandum

Julie Winiarski

Office of Zoning Administration and Development Management

A. J. Haley, Deputy Director Aut

Economic Development Commission

February 14, 1992

Zoning Advisory Comments for Meeting of February 18, 1992

This office has no comment for items 306, 308, 313, 314, 315, 316, 317, 319 and 320.

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE February 19, 1992

BAL MORE COUNTY, MAR AND

Arnold Jablon, Director Zoning Administration and Development Management

DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #316, Zoning Advisory Committee Meeting of February 18, 1992, Daniel Homberg, E/S Baltimore Yacht Club Rd., 658' N of Holly Neck Road (#901 Baltimore Yacht Club Road), D-15, Public Water and Private Sewer

COMMENTS ARE AS FOLLOWS:

Soil pecolation tests must be conducted during wet weather testing period (February through April) prior to subdivision approval.

In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

BALTIMORE COUNTY, MARYLAND

Mr. Arnold Jablon, Director

Zoning Hearing - Item 316

901 Baltimore Yacht Club Road

J. James Dieter

Mr. Daniel Homberg

by contacting Ms. Nancy Pentz at 887-2904.

cc: Ms. Gwen Stephens

HOMBERG/WQCBCA

Mr. Daniel Homberg

Gerhold, Cross, & Etzel

Dept. of Zoning & Development Managemen

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

The Chesapeake Bay Critical Area Program requests an extension for the

ZONING OFFICE

must still submit a Critical Area Findings Plan for review and send a letter

requirements. The petitioner can get a copy of the Findings Plan Checklist

via certified mail to this Department requesting a Findings. A Findings

review of the petition request for Mr. Daniel Homberg. The applicant

will be provided when the applicant has satisfied all Critical Area

SSF:rmp

316.ZNG/GWRMP

3775-12

DATE: February 26, 1992

Fire Department

Baltimore County Government

(301) 887-4500

FEBRUARY 12, 1992

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

700 East Joppa Road Suite 901 Towson, MD 21204-5500

RE: Property Owner: DANIEL HOMBERG

#901 BALTIMORE YACHT CLUB ROAD Location:

2cning Agenda: FEBRUARY 18, 1992 Item No.: 316

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Eureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

n Noted and REVIEWER: (DATE TO Approved)
Planning Croup
Special Inspection Division Fire Prevention Bureau

JF/KEK

92-300-A

3/16/92

4178-92

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: March 16, 1992 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for March 3, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 117 (Case No. 92-108-X), 329, 330, 331, 333 and

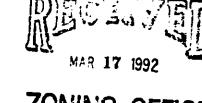
For Item 316, the previous minor subdivision comments still apply.

For Item 298 (Case No. 92-296-XA), and Item 332, the sites must be submitted through the new subdivision process for review and comments.

For Item 328, the site must be submitted through the minor subdivision process for review and comments.

ROBERT W. BOWLING, CE., Chief Developers Engineering Division

RWB:s



ZONING OFFICE

ZONING COMMISSIONER

For Item 316, this site must be submitted through the minor subdivision process for review and comment. The proposed right-of-way width from the site to Holly Neck Road is 50 feet. For Item 320, Middleborough Road is proposed as a 60-foot right-of-way and Sassafras Road is proposed as a 50-foot right-of-way. A 10-foot widening is requested

along these frontages. ROBERT W. BOWLING, P.E., Chief

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

Zoning Advisory Committee Meeting

FROM: Robert W. Bowling, P.E.

would decrease .017 acre.

County Review Group comments.

of the easement.

for February 18, 1992

TO: Arnold Jablon, Director DATE: February 25, 1992

Zoning Administration and Development Management

The Developers Engineering Division has reviewed

For Item 306, this site must be submitted through the minor subdivision process for review and comments.

plan as per record plat EHK, Jr. 53/121. The lot area

For Item 308, the highway widening is not shown on the

For Item 313, the area shown as being conveyed from

Lot 7 to Lot 8 is a portion of an existing County easement

(RW86-140-11). An existing 15-inch public drain is within

the plat. This wall should be relocated beyond the limits

For Item 314, this site is subject to the previous

this easement and in close proximity to the wall shown on

the subject zoning items and we have no comments for Items 315, 317 and 319.

RWB: 8

Developers Engineering Division

Rahee J. Famili

BUBJECT: Z.A.C. Comments

RAF/19d

M.A.C. MEETING DATE: February 18, 1992 TTEM NUMBER: 316

Please see the minor subdivision commerts for this site.

Traffic Engineer II



4155-92

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

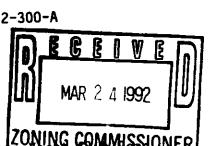
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director Office of Zoning Administration and Development Management

DATE: March 19, 1992

FROM: J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Case No. 92-300-A Homberg Property Chesapeake Bay Critical Area Findings



4268-92

5/23/42

SITE LOCATION

The subject property is located at 901 Baltimore The Subject Property is located at 90 The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. Daniel Homberg

APPLICANT PROPOSAL

The applicant proposes to subdivide a lot that has two existing single family dwellings and to rebuild one of the existing houses. The applicant has requested a variance from section 1A04.3.B.3 of the Baltimore County Zoning Regulations to permit side yard setbacks of 25 feet, 25 feet, and 28 feet in lieu of the required 50 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

> "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;

2. Conserve fish, wildlife and plant habitat; and

Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

Memo to Mr. Arnold Jablon March 19, 1992

Regulation: "The stormwater management system shall be designed so that:

(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;

(2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and

(3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" <Baltimore County Code, Section 26-453(h)>.

Finding: Stormwater must be infiltrated from all new impervious surfaces. No method has been proposed for meeting this stormwater requirement, therefore, this project cannot be approved as proposed.

CONCLUSION

This proposal has not demonstrated that it complies with Chesapeake Bay Critical Area Regulations, and is therefore not approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

J. James Dieter, Director

JJD:NSS:ju Attachment

HOMBERG/TXTNSS

cc: Mr. Daniel Homberg Mr. Scott Barhight Gerhold, Cross & Etzel

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

DATE: July 28, 1992

TO: Mr. Arnold E. Jablon, Director Office of Zoning Administration and Development Management

FROM: J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Case No. 92-300-A Homberg Property Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 901 Baltimore Yacht Club Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. Daniel Homberg

APPLICANT PROPOSAL

The applicant proposes to subdivide a lot that has two existing single family dwellings and to rebuild one of the existing houses. The applicant has requested a variance from section 1A04.3.B.3 of the Baltimore County Zoning Regulations to permit a reduced side yard setback in lieu of the required 50 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat; and
- Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

Memo to Mr. Arnold Jablon March 19, 1992

REGULATIONS AND FINDINGS

- 1a. <u>Regulation:</u> "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.
- 1b. Policy: Redevelopment If less than a 100 foot buffer exists, the buffer is established from the limit of existing permitted disturbance to the shoreline Compartment of Environmental Protection and Resource Management Policy Manual - Chesapeake Bay Critical Area. Buffers>.
 - Finding: This property is adjacent to the tidal water of Middle River and contains tidal wetlands. The applicant is proposing to construct a single family dwelling within the 100 foot buffer. This does not comply with the above regulations and cannot be approved.
- 2a. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" < Baltimore County Code. Section 26-447>.
- 2b. <u>Regulation:</u> "A minimum 25 foot buffer shall be maintained around all non-tidal wetlands so that development or other activities will not adversely affect the wetlands or the wildlife contained therein" <Baltimore County Code Section 26-448(a)>.

<u>Finding:</u> The soils on this property indicate a strong potential for non-tidal wetlands. The applicant must field delineate the non-tidal wetlands. This property also has tidal wetlands. Mean high tide and the limit of tidal wetlands must be shown on a Findings Plan. All wetland delineations must be verified by this Department and then surveyed onto the plan with the appropriate buffers. No disturbance of tidal wetlands shall be allowed and any disturbance of non-tidal wetlands must comply with the above regulations.

Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

la. <u>Regulation:</u> "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal

1b. Policy: Redevelopment - If less than a 100 foot buffer exists, the buffer is established from the limit of existing permitted

disturbance to the shoreline < Department of Environmental

wetlands, and tributary streams" <Baltimore County Code Section

Protection and Resource Management Policy Manual - Chesapeake Bay

Finding: This property is adjacent to the tidal water of Middle River and contains tidal wetlands. The applicant is proposing to

construct a single family dwelling within the established limits

approved bulkheading shall not be permitted in any non-tidal and

utility, bridge, or street development in a non-tidal wetland and

Management finds this proposed development not detrimental to the

vicinity of the site. Tidal wetlands are adjacent to the east side

of the existing house. This is approximately 70 feet from the

edge of tidal wetlands and does comply with the above policy.

Regulation: "Dredging, filling, or construction other than

tidal wetlands unless the proposed development consists of

unless the Director of Environmental Protection and Resource

County's Wetland Management Programs" < Baltimore County Code,

Finding: No non-tidal wetlands exist on this site or in the

of the property. No disturbance of these wetlands shall occur.

Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

4a. Regulation: "For the alteration of forest or developed

Forest and Developed Woodlands aerial photographs:

shall be replaced by 1.5 acres of afforestation.

Findings: This subdivision proposes to create impervious surfaces that sum to 9% on Lot 1 and 12% on Lot 2. Additional

woodlands as delineated on the January, 1986 Baltimore County

(1) No more than 20% of the sum of all forest and developed

afforestation on a 1:1 acreage basis. An additional 10% of the

forest or developed woodland may be cleared provided in such case,

however, that every acre of forest or developed woodland cleared

woodland may be cleared, and this shall be replaced by

impervious surfaces shall not be allowed if they sum to more than

Mr. Arnold E. Jablon

REGULATIONS AND FINDINGS

26-449(a)>.

Critical Area, Buffers>.

Section 26-447>.

15% of the lot.

July 28, 1992

Memo to Mr. Arnold Jablon March 19, 1992

> Findings: This plan does not show all proposed impervious surfaces. A driveway showing access to lot #2 must be shown and a calculation of the impervious surface percentage on each lot must be included on the Findings Plan. Until it is demonstrated that all proposed development does not create impervious surfaces that exceed 15% of the lot, this project cannot be approved.

- 4a. Regulation: "For the alteration of forest or developed woodlands as delineated on the January, 1986 Baltimore County Forest and Developed Woodlands aerial photographs:
- (1) No more than 20% of the sum of all forest and developed woodland may be cleared, and this shall be replaced by afforestation on a 1:1 acreage basis. An additional 10% of the forest or developed woodland may be cleared provided in such case, however, that every acre of forest or developed woodland cleared shall be replaced by 1.5 acres of afforestation.
- (2) Forest or developed woodland cleared in LDAs shall be replaced in IDAs, LDAs, R.C. 20, or R.C. 50 Zones. Forest or developed woodland removed in the R.C. 20 or R.C. 50 Zones shall be replaced only in R.C. 20 or R.C. 50 Zones.
- (3) The forest or developed woodland cleared shall be replaced according to an approved forest establishment plan. If the configuration of the site precludes on-site replacement, it is the applicants responsibility to secure an off-site area suitable for afforestation and in compliance with d(1) and d(2) preceding. If an appropriate off-site area cannot be located or secured, the County will allow the applicant to pay a fee-in-lieu" <Baltimore County Code, Section 26-453(c)>.
- 4b. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15%" <COMAR 14.15.02.04 C.(5)(e)>.

Finding: The proposed lot #2 contains designated forest which needs to be shown on the Findings Plan. Any proposed clearing must show a location for replacement. Both lots must propose afforestation if at least 15% forest or developed woodland cover does not exist. Until this information is presented, these proposed lots do not comply with the above regulations.

Mr. Arnold E. Jablon July 28, 1992

> (2) Forest or developed woodland cleared in LDAs shall be replaced in IDAs, LDAs, R.C. 20, or R.C. 50 Zones. Forest or developed woodland removed in the R.C. 20 or R.C. 50 Zones shall be replaced only in R.C. 20 or R.C. 50 Zones.

> (3) The forest or developed woodland cleared shall be replaced according to an approved forest establishment plan. If the configuration of the site precludes on-site replacement, it is the applicant's responsibility to secure an off-site area suitable for afforestation and in compliance with d(1) and d(2) preceding. If an appropriate off-site area cannot be located or secured, the County will allow the applicant to pay a fee-in-lieu" <Baltimore County Code, Section 26-453(c)>.

4b. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15%" <COMAR 14.15.02.04 C.(5)(e)>.

Finding: The proposed lot #1 has 15% forest cover existing. The proposed lot #2 contains designated forest as shown on the 1986 Aerial photographs and the Findings Plan. A location on lot #2 is shown for replacement of cleared forest from lot #2. An approved Forest Establishment Plan and Agreement shall be required prior to the release of the building permit.

Regulation: "The stormwater management system shall be designed so that:

(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;

(2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and

(3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" <Baltimore County Code, Section 26-453(h)>.

Finding: The first one-half inch of runoff is proposed to be infiltrated into drywells for the houses on both lot #1 and lot #2. This will meet stormwater management requirements as they relate to Section 26.453(h) of the Baltimore County Code.

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CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

JJD:NSP:ju

Attachment

cc: Mr. Daniel Homberg Mr. Scott Barhight Gerhold, Cross & Etzel

HOMBERG/TXTNSS

LAW OFFICES

WHITEFORD, TAYLOR & PRESTON

SEVEN SAINT PAUL STREET BALTIMORE, MARYLAND 21202 TELEPHONE 301-347-8700

500 COURT TOWERS 210 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204-4515 301-832-2000

888 17TH STREET, NW WASHINGTON, D.C. 20006 TELEPHONE 202-659-6800

ONING COMMISSIONFI

FAX: 301-832-2015 G. SCOTT BARHIGHT

DIRECT NUMBER

July 31, 1992

Timothy M. Kotroco Deputy Zoning Commissioner Office of Planning and Zoning Suite 113 400 Washington Avenue Towson, Maryland 21204

> Re: Homberg Property Case No.: 92-300-A

Dear Tim:

Enclosed please find the Chesapeake Bay Critical Area Findings for the Homberg property. I have also enclosed the latest copy of the plat which was submitted to the Department of Environmental Protection and Resource Management.

Please contact me as soon as you have reviewed this material. Thank you for your attention to this matter.

Very truly yours,

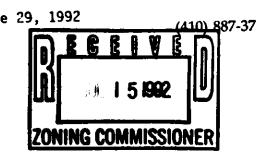
G. Scott Barhight

GSB/cpb enclosures

Baltimore County Government Department of Environmental Protection and Resource Management

401 Bosley Avenue Towson, MD 21204

Ms. Pattianne Smith Gerhold, Cross & Etzel 412 Delaware Avenue Towson, Maryland 21204



6686 92

Re: Homberg Property, Minor Subdivision, Zoning Petition

Dear Ms. Smith:

The Environmental Impact Review Division has reviewed the resubmitted Findings Plan for the Homberg Property. The following comments must still be addressed prior to plan approval.

- 1. The buffer should continue at a distance of 70 feet around the upper portions of the tidal marsh. Adjust the septic reserve area, not the buffer, so that no disturbance will occur within the buffer.
- 2. Dimension the drywells so that they are sized to capture the first one-half inch of runoff. Show on the site plan where the drywells will be placed. Both houses must be retrofitted and the drywells cannot be located in the buffer.
- 3. Include on note 23, the total square footage of area to be afforested. This should be 12,750 square feet to be consistent with the forest establishment plan.

If there are any questions regarding these comments, please contact Ms. Nancy Pentz at 887-2904 prior to resubmittal.

> Sincerely, Patricia M. Farr Coordinator Chesapeake Bay Critical Area Program

PMF:NSP:ju

c: Mr. Scott Barhight Mr. Tim Kotroco Mr. Daniel Homberg

SMITH/TXTSRO

ZONING OFFICE

868 17TH STREET, NW

WASHINGTON, D.C. 20006

TELEPHONE 202-659-6800

AUG 12 PP

LAW OFFICES WHITEFORD, TAYLOR & PRESTON

500 COURT TOWERS

210 WEST PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204-4515

410-832-2000

SEVEN SAINT PAUL STREET BALTIMORE, MARYLAND 21202 TELEPHONE 410-347-8700

G. SCOTT BARHIGHT

DIRECT NUMBER

410-832-2050

FAX: 410-832-2015

August 12, 1992

DELIVERY BY HAND

The Honorable Timothy M. Kotroco Deputy Zoning Commissioner Office of Planning and Zoning Suite 113 400 Washington Avenue Towson, Maryland 21204

Re: Homberg Property; Case No: 92-300-A

Dear Tim:

Enclosed is the Amended Plat to Accompany Zoning Petition to be filed as an exhibit in the above-referenced case. As the Amended Plat indicates, there is now a need for only 2 sideyard set back variances. Variance A is for 25 feet in lieu of the required 50 feet between the existing stone house and the new eastern property line of lot 1. The second variance requested is labelled B for 3 feet in lieu of the required 50 foot sideyard set back for the proposed 1 story dwelling relative to the western boundary of the proposed lot 2.

Should you have any questions or comments regarding this Amended Plat, or if you are in need of any additional information, please feel free to contact me. Thank you for your continued cooperation and assistance.

G./Scott Barhight

Sincerely.

Enclosure cc: Mr. Daniel Homberg (w/encl)

Baltimore County Government Department of Environmental Protection and Resource Management

401 Bosley Avenue Towson, MD 21204

(410) 887-3733 June 2, 1992

Ms. Pattianne Smith Gerhold, Gross, & Etzel 412 Delaware Avenue Towson, Maryland 21204

> Re: Homberg Property Critical Area Findings Plan 92-300-A

Dear Ms. Smith:

The Environmental Impact Review Division has completed its review of the above referenced plan as received in our office on April 29, 1992. The following comments must be addressed prior to plan approval:

- 1. The "buffer" should border the existing house on the west side just as it does on the north side. Continue the "buffer" at a distance of 70 feet around the upper portions of the tidal marsh. Do not allow the septic reserve area to be within the buffer.
- 2. Show a "limit of disturbance". This can intrude 10 feet into the buffer around the house and should include the septic reserve area if disturbance of this area is proposed.
- 3. Label the deck portion of the new house as "open wooden deck".
- 4. The infiltration devices for the rooftop runoff must be drywells designed to capture the first 1/2 inch of runoff, (see attached sample design).
- 5. The reforestation chart for lot 2 is incorrect. The total square footage of forest designated on the 1986 aerial photographs totals more than 10,520 square feet. Also include the total square footage of area to be afforested and a note stating that the afforestation shall be done in accordance with an approved forest establishment plan and agreement.
- 6. Change the forest label from "1986 woods line" to "Designated Forest".
- 7. Change note 16 to "There shall be no clearing, grading, construction, or disturbance of vegetation in the wetlands, streams, or buffers, except as permitted by the Baltimore County Department of Environmental Protection and Resource Management".

Ms. P. Smith June 2, 1991 Page 2

- 8. Change note 22 to "There are no non-tidal wetlands on this site".
- 9. Please change the impervious surface chart for lot 2. Separate the garage from the house and add the square footage of the parking pad in with the driveway.

If you have any questions, please contact Ms. Nancy Pentz at 887-2904.

Sincerely,

Patricia M. Farr Supervisor Environmental Impact Review Division

PMF:NSP:ju

c: Mr. Scott Barhight Mr. Tim Kotroco Mr. Daniel Homberg

SMITH1/WQCBCA

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| PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET | | | | | | |
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| NAME | ADDRESS | | | | | |
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